

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 11, 2009. Through this response, claim 95 has been amended, claims 106 and 107 have been canceled without prejudice, waiver, or disclaimer, and claims 108 and 109 are newly introduced through this response. Support for new claims 108 and 109 may be found, for instance, on page 4, lines 20-33 of Applicants' specification as originally filed. Reconsideration and allowance of the application and pending claims 82-105, 108 and 109 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(e)

A. Statement of the Rejection

1. Claims 82-92, 94, 95, 97, 98, 100, and 104 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Lasky* (U.S. Patent No. 6,367,078) in view of *Mankovitz* (U.S. Patent No. 6,760,537).

2. Claim 93 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Lasky* in view of *Mankovitz* and further in view of *Amano* (U.S. Patent No. 5,585,865).

3. Claims 96, 99, 101-103, and 105 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Lasky* in view of *Mankovitz* and further in view of *Yuen* (U.S. Patent No. 5,673,089).

Applicants respectfully traverse these rejections.

B. Discussion of the Rejection

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries

expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquires, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

1. Claims 82-92, 94, 95, 97, 98, 100, and 104 - 35 U.S.C. 103(a) – *Lasky, Mankovitz*

Independent Claim 82

Claim 82 recites (with emphasis added):

82. In a television network, a terminal for providing television program information and television programs, said terminal comprising:
a memory configured for storing a first data and a second data, said first data including respective program information for a plurality of corresponding television programs, said second data different than the first data, said second data comprising **a channel table that includes a plurality of assigned channel categories** to television channels, **wherein the channel table includes a listing of a plurality of channels and a respective bit mask for each channel**, each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, wherein each bit of the bit mask refers to one distinct category of a plurality of predetermined categories and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit is assigned to the respective channel, the channel table comprising at least one channel entry comprising more than one category; and
a processor, coupled to the memory, **the processor configured to simultaneously search at least a portion of the channel table for data related to at least one channel to which a category is assigned and causing the display of at least one television program**, the processor further configured to receive selection of a channel category

and, in response to receiving selection of the channel category, provide program information associated with the at least one channel to which the selected channel category is assigned.

Applicants respectfully submit that the combination of *Lasky* and *Mankovitz* fails to establish a *prima facie* case of obviousness. For instance, with respect to the features of **a channel table that includes a plurality of assigned channel categories**, the non-final Office Action alleges the following (reproduced in part from page 4, referring to *Lasky*, boldface emphasis in the original):

...the second data comprising a channel table (**electronic program-guide-EPG- category and channel information**) that includes a plurality of assigned channel categories to television channels (**see figure 6B and 6C and col. 6 lines 1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62 comprises an indication of the existence of other channels carrying programs in the same category as the program on the selected channel**)...

Applicants respectfully disagree with this analysis and claim construction. It appears from page 4 of the non-final Office Action that the claimed **first data** is to be equated to program guide information received, for instance, at the data input module 56 of *Lasky*, and that the **second data** is to be equated to an EPG. Applicants respectfully request clarification as to what element in *Lasky* is attributed to the EPG. For instance, Figure 4 of *Lasky* shows a program guide, yet Figure 6B of *Lasky* is describes in col. 5, lines 12-13 as a graphical information that overlays the video of a program just selected, and Figure 6B itself is entitled a “channel hat.” The channel hat is generated, according to col. 6, lines 50-65 (*Lasky*) as follows (emphasis added):

FIG. 6B also shows the title 623 and category 624 of the program on the newly selected channel displayed in the hat. The video-display generator 37 receives data that allows it to display the channel hat 62 from the hat-data module 53. The hat-data module retrieves the channel number 132, title 623, and category 624 of the program on the newly selected channel from the control program 51. The control program finds the channel number 132, title 623 and category 624 of the newly selected channel in the channel number field 611, title field 612, and category field 717, respectively of a record in the program-guide database 52. The control

program also reads the current time with the help of a clock I/O module 58 and determines whether any other program is current by calculating a starting time and an ending time from the information in the timing fields 613-616 on the record for that program in the program-guide database.

Hence, it appears that the channel hat is populated with information from a program record, such as shown in Figure 6A (*Lasky*), which is program guide information. In other words, if the intent of the non-final Office Action is to equate the EPG with the channel hat, the channel hat is program guide information (allegedly the ***second data***), which the non-final Office Action also appears to equate as the ***first data***. Hence, the rejection is unclear, and hence the reason for the request for clarification. For now, Applicants will attempt to address both potential alleged equalities.

With regard to the program guide of Figure 4, it is respectfully submitted that one having ordinary skill in the art would, based on the program guide of Figure 4 (*Lasky*), observe that there are some channels with different categories of content, such as channel 20, which shows Dr. Quinn running from 11:00 – 12:00 followed by the News. Indeed, page 5 of the non-final Office Action admits of this observation. Even though there is ***a listing of a plurality of channels*** shown in the program guide of Figure 4, one having ordinary skill in the art would not reasonably characterize channel 20 exclusively as a drama category (for instance) or as a news category. Rather, one having ordinary skill in the art may more likely characterize each program falling in channel 20 as corresponding to a particular category, such as “Dr. Quinn” as drama and “News” as a news category. Reading *Lasky* as a whole, it is also noteworthy that categories are assigned to each program, not each channel. See for instance, Figure 6A of *Lasky*, refers to data records for each program (including a field for category), not each channel. In other words, the claim requires that the channel table include ***assigned channel categories***. A program category is not a channel category. Hence, the program guide of Figure 4 does not meet the requirements of a channel table that

includes **assigned channel categories**. Also, it is clear that there certainly are no bit masks in the program guide of Figure 4, not would it be conceivable to place one there.

Referring to the channel hat of Figure 6B, as explained above, the channel hat is populated based on program records, where each program record has, among other fields, a category field (see, Figure 6A, item 617), as well as two fields 67 and 68 (Figure 6C) that provides the channel number for the program having a subsequent category and previous category, respectively, in either channel directions. Given the need to read the current clock (see, e.g., col. 6, lines 60-65 of *Lasky*), these fields will likely depend on the program offered on the particular channel for that particular time, and hence will depend on the program category from the program record, not a channel category, which is absent from the disclosed program records of Figure 6A (*Lasky*). Further, the channel hat of Figure 6B of *Lasky* does not show a **listing of a plurality of channels**, but rather a single channel, populated from a single program record. Also, as alluded to above, if somehow the rejection is alleging that the program record is equivalent to the claimed channel table, then the rejection is flawed in attributing the first data to the second data despite the fact that the claim requires the first and second data to be different. Hence, the channel hat of Figure 6B is not the same as the claimed channel table, and for at least these reasons, Applicants respectfully submit that *Lasky* fails to disclose **a channel table that includes a plurality of assigned channel categories** and a **listing of a plurality of channels**, and hence respectfully request that the rejection be withdrawn.

It is noted that the non-final Office Action (page 6) also alleges that *Mankovitz* discloses a channel table, but this allegation is not supported by the cited section (Column 49, lines 36-67) of *Mankovitz*. From inspection of the aforementioned citation to *Mankovitz*, it is respectfully submitted that a database of records is described, not a

channel table as claimed. Accordingly, *Mankovitz* fails to remedy the deficiencies of *Lasky* and hence the claim is allowable over *Lasky* in view of *Mankovitz*.

Further, the non-final Office Action (page 4) alleges that *Lasky* discloses the claimed ***the processor configured to simultaneously search at least a portion of the channel table for data related to at least one channel to which a category is assigned and causing the display of at least one television program.*** Applicants respectfully disagree. The non-final Office Action (page 4) alleges the following (emphasis in original, reproduced in part):

...the processor displays a television program and at the same time, searches for other channels carrying programs in the same category – column 6, lines 31-49.

Referring to column 6, lines 31-49 of *Lasky* as follows:

As shown in FIG. 6B, the channel hat 62 (or other icon) comprises at least an indication of the channel number 132 just selected and of the existence of other channels carrying programs in the same category as the program on the selected channel. The presence of an arrow 621 pointing to the left indicates the existence of such programs at lower-numbered channels. The viewer can find a program that may be of interest by surfing sideways to the left, which the viewer accomplishes by pressing the left-arrow key 355. An arrow 622 pointing to the right indicates that the viewer can surf to such a program at a higher-numbered channel by pressing the right-arrow key 356. If the viewer has reached the highest channel in that category, pressing the right-arrow key 356 preferably brings the user to the lowest channel currently running a program in the desired category. Similarly, if the viewer has reached the lowest channel in the category, pressing the left-arrow key 621 preferably brings the user to the highest channel currently running a program in the desired category.

Applicants respectfully submit that the processor is not being taught in this section as searching for anything in this section, but rather, appears to merely be populating the screen with program record information for a program selected under a particular category. Indeed, Figure 7 of *Lasky* appears to show that any search is done prior to causing a display of programming for the assigned category, and launched after

the display of the current program. For instance, one having ordinary skill in the art would reasonably surmise that there will not be a display of video for the assigned category until the channel is sent to the tuner (712 of Figure 7), which is the last step in the process, and not described anywhere in *Lasky* as occurring simultaneously with any search. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Further, though acknowledging certain deficiencies of *Lasky* (page 6 of the non-final Office Action), the non-final Office Action incorrectly alleges (page 6) that *Mankovitz* discloses ***wherein the channel table includes a listing of a plurality of channels and a respective bit mask for each channel.*** As set forth above, Applicants disagree that *Mankovitz* discloses the claimed ***channel table***. Further, it is noted from the cited section of *Mankovitz* that the Boolean fields, assuming *arguendo* equivalent to the claimed bit mask, appear to pertain to each program record, not each channel. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

In addition, it is respectfully submitted that the features of a channel table with channel categories is not obvious in view of the teachings of *Lasky* and *Mankovitz*, both of which focus on individual program records and category assignments to programs, not channels. Indeed, to provide category assignments to channels, absent from both references, likely requires a change in the principle of operation for both *Lasky* and *Mankovitz* in view of the need for an additional association and hence data structure for that association. Such a principled change is at odds with a proper *prima facie* rejection under obviousness, as set forth according to well-established Federal case law (cited in MPEP 2143.01), which states as follows:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the

teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 82 is allowable over *Lasky* in view of *Mankovitz*, dependent claims 83-92 and 94 are allowable as a matter of law for at least the reason that the dependent claims 83-92 and 94 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 95

Claim 95 recites (with emphasis added):

95. In a television network, a terminal for providing television program information and television programs, said terminal comprising:
an interface to the television network, said interface configured for receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs, said second data comprising a channel table, wherein the ***channel table includes a listing of channels and a respective bit mask for each channel***, each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, each bit of the bit mask refers to one distinct category of a plurality of predetermined categories and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit is assigned to the respective channel; and
a processor, configured to simultaneously search at least a portion of the channel table for data related to at least one channel to which a category is assigned and display at least one television program, the processor further configured to receive selection of a channel category and, in response to receiving selection of the channel category, provide program information associated with at least one channel to which the selected category is assigned.

Applicants respectfully submit that the combination of *Lasky* and *Mankovitz* fails to establish a *prima facie* case of obviousness. For instance, with respect to the features of ***channel table for data related to at least one channel to which a***

category is assigned, the non-final Office Action alleges the following (reproduced in part from page 11, referring to *Lasky*, boldface emphasis in the original):

...discloses a channel table (**electronic program-guide (EPG)**) that includes a listing of a plurality of channels and respective associations of one or more channel categories to each television channel identification (**col. 6 lines 30-65, category, title, and channel data and also see figure 6B and 6C and col. 6 lines 1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62 comprises an indication of the existence of other channels carrying programs in the same category as the program on the selected channel**)...

Applicants respectfully disagree with this analysis and claim construction. For similar reasons expressed above in association with claim 82, Applicants request clarification of the rejection, and will base the below analysis on each (program guide of Figure 4 and the channel hat of Figure 6B).

With regard to the program guide of Figure 4, it is respectfully submitted that one having ordinary skill in the art would, based on the program guide of Figure 4 (*Lasky*), observe that there are some channels with different categories of content, such as channel 20, which shows Dr. Quinn running from 11:00 – 12:00 followed by the News. Indeed, page 5 of the non-final Office Action admits of this observation. Even though there is **a listing of channels** shown in the program guide of Figure 4, one having ordinary skill in the art would not reasonably characterize channel 20 exclusively as a drama category (for instance) or as a news category. Rather, one having ordinary skill in the art may more likely characterize each program falling in channel 20 as corresponding to a particular category, such as “Dr. Quinn” as drama and “News” as a news category. Reading *Lasky* as a whole, it is also noteworthy that categories are assigned to each program, not each channel. See for instance, Figure 6A of *Lasky*, refers to data records for each program (including a field for category), not each channel. In other words, the claim requires a **channel table for data related to at least one channel to which a category is assigned**. A program category is not a channel

category. Hence, the program guide of Figure 4 does not meet the requirements of the claimed channel table. Also, it is clear that there certainly are no bit masks in the program guide of Figure 4, not would it be conceivable to place one there.

Referring to the channel hat of Figure 6B, as explained above, the channel hat is populated based on program records, where each program record has, among other fields, a category field (see, Figure 6A, item 617), as well as two fields 67 and 68 (Figure 6C) that provides the channel number for the program having a subsequent category and previous category, respectively, in either channel directions. Given the need to read the current clock (see, e.g., col. 6, lines 60-65 of *Lasky*), these fields will likely depend on the program offered on the particular channel for that particular time, and hence will depend on the program category from the program record, not a channel category, which is absent from the disclosed program records of Figure 6A (*Lasky*). Further, the channel hat of Figure 6B of *Lasky* does not show a **listing of channels**, but rather a single channel, populated from a single program record. Also, as alluded to above, if somehow the rejection is alleging that the program record is equivalent to the claimed channel table, then the rejection is flawed in attributing the first data to the second data despite the fact that each are claimed as separate elements. Hence, the channel hat of Figure 6B is not the same as the claimed channel table, and for at least these reasons, Applicants respectfully submit that *Lasky* fails to disclose **channel table for data related to at least one channel to which a category is assigned** and a **listing of channels**, and hence respectfully request that the rejection be withdrawn.

It is noted that the non-final Office Action (page 12) also alleges that *Mankovitz* discloses a channel table, but this allegation is not supported by the cited section (Column 49, lines 41-47) of *Mankovitz*. From inspection of the aforementioned citation to *Mankovitz*, it is respectfully submitted that a database of records is described, not a

channel table as claimed. Accordingly, *Mankovitz* fails to remedy the deficiencies of *Lasky* and hence the claim is allowable over *Lasky* in view of *Mankovitz*.

Further, the non-final Office Action (pages 10-11) alleges that *Lasky* discloses the claimed, ***a processor, configured to simultaneously search at least a portion of the channel table for data related to at least one channel to which a category is assigned and display at least one television program, the processor further configured to receive selection of a channel category and, in response to receiving selection of the channel category, provide program information associated with at least one channel to which the selected category is assigned.***

Applicants respectfully disagree. The non-final Office Action (pages 10-11) alleges the following (emphasis in original, reproduced in part):

...the processor displays a television program and at the same time, searches for other channels carrying programs in the same category – column 6, lines 31-49.

Referring to column 6, lines 31-49 of *Lasky* as follows:

As shown in FIG. 6B, the channel hat 62 (or other icon) comprises at least an indication of the channel number 132 just selected and of the existence of other channels carrying programs in the same category as the program on the selected channel. The presence of an arrow 621 pointing to the left indicates the existence of such programs at lower-numbered channels. The viewer can find a program that may be of interest by surfing sideways to the left, which the viewer accomplishes by pressing the left-arrow key 355. An arrow 622 pointing to the right indicates that the viewer can surf to such a program at a higher-numbered channel by pressing the right-arrow key 356. If the viewer has reached the highest channel in that category, pressing the right-arrow key 356 preferably brings the user to the lowest channel currently running a program in the desired category. Similarly, if the viewer has reached the lowest channel in the category, pressing the left-arrow key 621 preferably brings the user to the highest channel currently running a program in the desired category.

Applicants respectfully submit that the processor is not being taught in this section as searching for anything in this section, but rather, appears to merely be

populating the screen with program record information for a program selected under a particular category. Indeed, Figure 7 of *Lasky* appears to show that any search is done prior to causing a display of programming for the assigned category, and launched after the display of the current program. For instance, one having ordinary skill in the art would reasonably surmise that there will not be a display of video for the assigned category until the channel is sent to the tuner (712 of Figure 7), which is the last step in the process, and not described anywhere in *Lasky* as occurring simultaneously with any search. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Further, though acknowledging certain deficiencies of *Lasky* (page 12 of the non-final Office Action), the non-final Office Action incorrectly alleges (page 12) that *Mankovitz* discloses a ***channel table includes a listing of channels and a respective bit mask for each channel***. As set forth above, Applicants disagree that *Mankovitz* discloses the claimed ***channel table***. Further, it is noted from the cited section of *Mankovitz* that the Boolean fields, assuming *arguendo* equivalent to the claimed bit mask, appear to pertain to each program record, not each channel. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

In addition, it is respectfully submitted that the features of a channel table with channel categories is not obvious in view of the teachings of *Lasky* and *Mankovitz*, both of which focus on individual program records and category assignments to programs, not channels. Indeed, to provide category assignments to channels, absent from both references, likely requires a change in the principle of operation for both *Lasky* and *Mankovitz* in view of the need for an additional association and hence data structure for that association. Such a principled change is at odds with a proper *prima facie* rejection under obviousness, as set forth according to well-established Federal case law (cited in MPEP 2143.01), which states as follows:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Because independent claim 95 is allowable over *Lasky* in view of *Mankovitz*, dependent claim 97 is allowable as a matter of law.

Independent Claim 98

Claim 98 recites (with emphasis added):

98. In a television network, a terminal for providing television program information and television programs, said terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and **a channel table that includes respective associations of one or more channel categories for a plurality of corresponding television channels**, wherein the **channel table includes a listing of a plurality of channels and respective bit mask for each channel**, each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, wherein each bit of the bit mask refers to one distinct category of a plurality of predetermined categories and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit **is assigned to the respective channel**, the channel table comprising at least one channel entry comprising more than one category; and

a processor, coupled to the memory, for causing the display of a browse banner on top of a portion of a first television program being displayed responsive to receiving an initial activation of a browse command, **said browse banner comprising first program information, said first program information corresponding to a second television program different than the first television program, wherein the processor causes the display of said browse banner on top of the first television program without providing the second television program, the processor further configured for simultaneously searching at least a portion of the channel table for data related to at least one channel to which a category is assigned and causing display at least one television program**, said processor further configured to receive a selection of a channel category and, in response to receiving selection of the channel category, provide program information associated with at least one channel to which the selected

category is assigned.

Applicants respectfully submit that the combination of *Lasky* and *Mankovitz* fails to establish a *prima facie* case of obviousness. For instance, with respect to the features of ***a channel table that includes respective associations of one or more channel categories for a plurality of corresponding television channels***, the non-final Office Action alleges the following (reproduced in part from page 13, referring to *Lasky*, boldface emphasis in the original):

...a channel table (**electronic program-guide (EPG)**) that includes respective associations of one or more channel categories for a plurality of corresponding television channels (**see figure 6B and 6C and col. 6 lines 1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62 comprises an indication of the existence of other channels carrying programs in the same category as the program on the selected channel**)...

Applicants respectfully disagree with this analysis and claim construction. For similar reasons expressed above in association with claim 82, Applicants request clarification of the rejection, and will base the below analysis on each (program guide of Figure 4 and the channel hat of Figure 6B).

With regard to the program guide of Figure 4, it is respectfully submitted that one having ordinary skill in the art would, based on the program guide of Figure 4 (*Lasky*), observe that there are some channels with different categories of content, such as channel 20, which shows Dr. Quinn running from 11:00 – 12:00 followed by the News. Indeed, page 5 of the non-final Office Action admits of this observation. Even though there is ***a listing of a plurality of channels*** shown in the program guide of Figure 4, one having ordinary skill in the art would not reasonably characterize channel 20 exclusively as a drama category (for instance) or as a news category. Rather, one having ordinary skill in the art may more likely characterize each program falling in

channel 20 as corresponding to a particular category, such as “Dr. Quinn” as drama and “News” as a news category. Reading *Lasky* as a whole, it is also noteworthy that categories are assigned to each program, not each channel. See for instance, Figure 6A of *Lasky*, refers to data records for each program (including a field for category), not each channel. In other words, the claim requires ***a channel table that includes respective associations of one or more channel categories for a plurality of corresponding television channels***. A program category is not a channel category. Hence, the program guide of Figure 4 does not meet the requirements of the claimed channel table. Also, it is clear that there certainly are no bit masks in the program guide of Figure 4, not would it be conceivable to place one there.

Referring to the channel hat of Figure 6B, as explained above, the channel hat is populated based on program records, where each program record has, among other fields, a category field (see, Figure 6A, item 617), as well as two fields 67 and 68 (Figure 6C) that provides the channel number for the program having a subsequent category and previous category, respectively, in either channel directions. Given the need to read the current clock (see, e.g., col. 6, lines 60-65 of *Lasky*), these fields will likely depend on the program offered on the particular channel for that particular time, and hence will depend on the program category from the program record, not a channel category, which is absent from the disclosed program records of Figure 6A (*Lasky*). Further, the channel hat of Figure 6B of *Lasky* does not show ***a listing of a plurality of channels***, but rather a single channel, populated from a single program record. Hence, the channel hat of Figure 6B is not the same as the claimed channel table, and for at least these reasons, Applicants respectfully submit that *Lasky* fails to disclose ***a channel table that includes respective associations of one or more channel categories for a plurality of corresponding television channels*** and ***a listing of a plurality of channels***, and hence respectfully request that the rejection be withdrawn.

It is noted that the non-final Office Action (page 15) also alleges that *Mankovitz* discloses a channel table, but this allegation is not supported by the cited section (Column 49, lines 41-47) of *Mankovitz*. From inspection of the aforementioned citation to *Mankovitz*, it is respectfully submitted that a database of records is described, not a channel table as claimed. Accordingly, *Mankovitz* fails to remedy the deficiencies of *Lasky* and hence the claim is allowable over *Lasky* in view of *Mankovitz*.

Further, the non-final Office Action (page 14) alleges that *Lasky* discloses the claimed, ***the processor further configured for simultaneously searching at least a portion of the channel table for data related to at least one channel to which a category is assigned and causing display at least one television program.*** Applicants respectfully disagree. The non-final Office Action (page 14) alleges the following (emphasis in original, reproduced in part):

...the processor displays a television program and at the same time, searches for other channels carrying programs in the same category – column 6, lines 31-49.

Referring to column 6, lines 31-49 of *Lasky* as follows:

As shown in FIG. 6B, the channel hat 62 (or other icon) comprises at least an indication of the channel number 132 just selected and of the existence of other channels carrying programs in the same category as the program on the selected channel. The presence of an arrow 621 pointing to the left indicates the existence of such programs at lower-numbered channels. The viewer can find a program that may be of interest by surfing sideways to the left, which the viewer accomplishes by pressing the left-arrow key 355. An arrow 622 pointing to the right indicates that the viewer can surf to such a program at a higher-numbered channel by pressing the right-arrow key 356. If the viewer has reached the highest channel in that category, pressing the right-arrow key 356 preferably brings the user to the lowest channel currently running a program in the desired category. Similarly, if the viewer has reached the lowest channel in the category, pressing the left-arrow key 621 preferably brings the user to the highest channel currently running a program in the desired category.

Applicants respectfully submit that the processor is not being taught in this section as searching for anything in this section, but rather, appears to merely be populating the screen with program record information for a program selected under a particular category. Indeed, Figure 7 of *Lasky* appears to show that any search is done prior to causing a display of programming for the assigned category, and launched after the display of the current program. For instance, one having ordinary skill in the art would reasonably surmise that there will not be a display of video for the assigned category until the channel is sent to the tuner (712 of Figure 7), which is the last step in the process, and not described anywhere in *Lasky* as occurring simultaneously with any search. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Further, though acknowledging certain deficiencies of *Lasky* (page 15 of the non-final Office Action), the non-final Office Action incorrectly alleges (pages 15-16) that *Mankovitz* discloses a ***channel table includes a listing of a plurality of channels and respective bit mask for each channel***. As set forth above, Applicants disagree that *Mankovitz* discloses the claimed ***channel table***. Further, it is noted from the cited section of *Mankovitz* that the Boolean fields, assuming *arguendo* equivalent to the claimed bit mask, appear to pertain to each program record, not each channel. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Also, the non-final Office Action (page 14) alleges that *Lasky* discloses ***said browse banner comprising first program information, said first program information corresponding to a second television program different than the first television program*** and, in particular, appears to equate the first program information with the title and channel number of Figure 6B of *Lasky*. Applicants respectfully disagree. For instance, the title and channel number in *Lasky* appears to be that

corresponding to the channel hat (i.e., for the current or initially selected video, see, e.g., col. 5, lines 12-13 of *Lasky*), and not of a program for which the video is not shown (a second television program). For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Further, the non-final Office Action (page 14) alleges that *Lasky* discloses ***wherein the processor causes the display of said browse banner on top of the first television program without providing the second television program***, and in particular, refers to col. 6, lines 30-40, alleging that the “channel hat showing existence of other programs and channels relating to the selected category” (page 14 of the non-final Office Action, boldface emphasis removed). Applicants respectfully disagree. There is no disclosure in *Lasky* that reveals that each channel hat is a banner for anything other than each selected program (i.e., a 1:1 correspondence). A browser is claimed as having program information, and an arrow indicating the presence of another program in the same category is not program information. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

In addition, it is respectfully submitted that the features of a channel table with channel categories is not obvious in view of the teachings of *Lasky* and *Mankovitz*, both of which focus on individual program records and category assignments to programs, not channels. Indeed, to provide category assignments to channels, absent from both references, likely requires a change in the principle of operation for both *Lasky* and *Mankovitz* in view of the need for an additional association and hence data structure for that association. Such a principled change is at odds with a proper *prima facie* rejection under obviousness, as set forth according to well-established Federal case law (cited in MPEP 2143.01), which states as follows:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the

teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Independent Claim 100

Claim 100 recites (with emphasis added):

100. In a television network, a terminal for providing television program information and television programs, said terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and a ***channel table that includes a bit field signifying a plurality of television channel categories, each television channel category being associated with a corresponding plurality of television channels, wherein the channel table includes a listing of a plurality of channels and a respective bit mask for each channel***, each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, wherein each bit of the bit mask refers to one distinct category of a plurality of predetermined categories and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit is assigned to the respective channel; and

a processor coupled to the memory, said processor configured to: receive a user-selected television channel category, and responsive to the receiving the user-selected television channel category, search at least a portion of the channel table and provide program information exclusively for television programs corresponding to television channels associated with the user-selected television channel category,

wherein the processor is configured for simultaneously searching at least a portion of the channel table and causing the display of at least one television program.

Applicants respectfully submit that the combination of *Lasky* and *Mankovitz* fails to establish a *prima facie* case of obviousness. For instance, with respect to the features of ***channel table that includes a bit field signifying a plurality of television channel categories***, the non-final Office Action alleges the following (reproduced in part from pages 16-17, referring to *Lasky*, boldface emphasis in the original):

... a channel table (**electronic program-guide (EPG)**) that includes a **bit field signifying a plurality of television channel categories** (col. 5 lines 64-67, col. 6 Lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information)...

Applicants respectfully disagree with this analysis and claim construction. For similar reasons expressed above in association with claim 82, Applicants request clarification of the rejection, and will base the below analysis on each (program guide of Figure 4 and the channel hat of Figure 6B).

With regard to the program guide of Figure 4, it is respectfully submitted that one having ordinary skill in the art would, based on the program guide of Figure 4 (*Lasky*), observe that there are some channels with different categories of content, such as channel 20, which shows Dr. Quinn running from 11:00 – 12:00 followed by the News. Indeed, page 5 of the non-final Office Action admits of this observation. Even though there is **a listing of a plurality of channels** shown in the program guide of Figure 4, one having ordinary skill in the art would not reasonably characterize channel 20 exclusively as a drama category (for instance) or as a news category. Rather, one having ordinary skill in the art may more likely characterize each program falling in channel 20 as corresponding to a particular category, such as “Dr. Quinn” as drama and “News” as a news category. Reading *Lasky* as a whole, it is also noteworthy that categories are assigned to each program, not each channel. See for instance, Figure 6A of *Lasky*, refers to data records for each program (including a field for category), not each channel. In other words, the claim requires **channel table that includes a bit field signifying a plurality of television channel categories**. A program category is not a channel category. Hence, the program guide of Figure 4 does not meet the

requirements of the claimed channel table. Also, it is clear that there certainly are no bit masks in the program guide of Figure 4, not would it be conceivable to place one there.

Referring to the channel hat of Figure 6B, as explained above, the channel hat is populated based on program records, where each program record has, among other fields, a category field (see, Figure 6A, item 617), as well as two fields 67 and 68 (Figure 6C) that provides the channel number for the program having a subsequent category and previous category, respectively, in either channel directions. Given the need to read the current clock (see, e.g., col. 6, lines 60-65 of *Lasky*), these fields will likely depend on the program offered on the particular channel for that particular time, and hence will depend on the program category from the program record, not a channel category, which is absent from the disclosed program records of Figure 6A (*Lasky*). Further, the channel hat of Figure 6B of *Lasky* does not show **a listing of a plurality of channels**, but rather a single channel, populated from a single program record. Hence, the channel hat of Figure 6B is not the same as the claimed channel table, and for at least these reasons, Applicants respectfully submit that *Lasky* fails to disclose **channel table that includes a bit field signifying a plurality of television channel categories and a listing of a plurality of channels**, and hence respectfully request that the rejection be withdrawn.

It is noted that the non-final Office Action (page 19) also alleges that *Mankovitz* discloses a channel table, but this allegation is not supported by the cited section (Column 49, lines 41-47) of *Mankovitz*. From inspection of the aforementioned citation to *Mankovitz*, it is respectfully submitted that a database of records is described, not a channel table as claimed. Accordingly, *Mankovitz* fails to remedy the deficiencies of *Lasky* and hence the claim is allowable over *Lasky* in view of *Mankovitz*.

Further, the non-final Office Action (page 17) alleges that *Lasky* discloses the claimed, **wherein the processor is configured for simultaneously searching at least**

a portion of the channel table and causing the display of at least one television program. Applicants respectfully disagree. The non-final Office Action (page 17) alleges the following (emphasis in original, reproduced in part):

...the processor displays a television program and at the same time, searches for other channels carrying programs in the same category – column 6, lines 31-49.

Referring to column 6, lines 31-49 of *Lasky* as follows:

As shown in FIG. 6B, the channel hat 62 (or other icon) comprises at least an indication of the channel number 132 just selected and of the existence of other channels carrying programs in the same category as the program on the selected channel. The presence of an arrow 621 pointing to the left indicates the existence of such programs at lower-numbered channels. The viewer can find a program that may be of interest by surfing sideways to the left, which the viewer accomplishes by pressing the left-arrow key 355. An arrow 622 pointing to the right indicates that the viewer can surf to such a program at a higher-numbered channel by pressing the right-arrow key 356. If the viewer has reached the highest channel in that category, pressing the right-arrow key 356 preferably brings the user to the lowest channel currently running a program in the desired category. Similarly, if the viewer has reached the lowest channel in the category, pressing the left-arrow key 621 preferably brings the user to the highest channel currently running a program in the desired category.

Applicants respectfully submit that the processor is not being taught in this section as searching for anything in this section, but rather, appears to merely be populating the screen with program record information for a program selected under a particular category. Indeed, Figure 7 of *Lasky* appears to show that any search is done prior to causing a display of programming for the assigned category, and launched after the display of the current program. For instance, one having ordinary skill in the art would reasonably surmise that there will not be a display of video for the assigned category until the channel is sent to the tuner (712 of Figure 7), which is the last step in the process, and not described anywhere in *Lasky* as occurring simultaneously with any

search. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Further, though acknowledging certain deficiencies of *Lasky* (page 18 of the non-final Office Action), the non-final Office Action incorrectly alleges (page 19) that *Mankovitz* discloses ***the channel table includes a listing of a plurality of channels and a respective bit mask for each channel***. As set forth above, Applicants disagree that *Mankovitz* discloses the claimed ***channel table***. Further, it is noted from the cited section of *Mankovitz* that the Boolean fields, assuming *arguendo* equivalent to the claimed bit mask, appear to pertain to each program record, not each channel. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

In addition, it is respectfully submitted that the features of a channel table with channel categories is not obvious in view of the teachings of *Lasky* and *Mankovitz*, both of which focus on individual program records and category assignments to programs, not channels. Indeed, to provide category assignments to channels, absent from both references, likely requires a change in the principle of operation for both *Lasky* and *Mankovitz* in view of the need for an additional association and hence data structure for that association. Such a principled change is at odds with a proper *prima facie* rejection under obviousness, as set forth according to well-established Federal case law (cited in MPEP 2143.01), which states as follows:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Independent Claim 104

Claim 104 recites (with emphasis added):

104. In a television network, a terminal for providing television program information and television programs, said terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and **a channel table that includes a bit field signifying a plurality of television channel categories, each television channel category being associated with a corresponding plurality of television channels, wherein the channel table includes a listing of a plurality of channels and respective bit mask for each channel**, each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, wherein each bit of the bit mask refers to one distinct category of a plurality of predetermined categories and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit is assigned to the respective channel; and

a processor, coupled to the memory, said processor configured to simultaneously search at least a portion of the channel table and cause display of at least one television program, the processor further configured to receive selection of a channel category and provide program information associated with at least one channel to which the selected channel category is assigned.

Applicants respectfully submit that the combination of *Lasky* and *Mankovitz* fails to establish a *prima facie* case of obviousness. For instance, with respect to the features of **channel table that includes a bit field signifying a plurality of television channel categories**, the non-final Office Action alleges the following (reproduced in part from page 20, referring to *Lasky*, boldface emphasis in the original):

... a channel table (**electronic program-guide (EPG)**) that includes a bit field signifying a plurality of television channel categories (**col. 5 lines 64-67, col. 6 Lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56**)...

Applicants respectfully disagree with this analysis and claim construction. For similar reasons expressed above in association with claim 82, Applicants request clarification of the rejection, and will base the below analysis on each (program guide of Figure 4 and the channel hat of Figure 6B).

With regard to the program guide of Figure 4, it is respectfully submitted that one having ordinary skill in the art would, based on the program guide of Figure 4 (*Lasky*), observe that there are some channels with different categories of content, such as channel 20, which shows Dr. Quinn running from 11:00 – 12:00 followed by the News. Indeed, page 5 of the non-final Office Action admits of this observation. Even though there is ***a listing of a plurality of channels*** shown in the program guide of Figure 4, one having ordinary skill in the art would not reasonably characterize channel 20 exclusively as a drama category (for instance) or as a news category. Rather, one having ordinary skill in the art may more likely characterize each program falling in channel 20 as corresponding to a particular category, such as “Dr. Quinn” as drama and “News” as a news category. Reading *Lasky* as a whole, it is also noteworthy that categories are assigned to each program, not each channel. See for instance, Figure 6A of *Lasky*, refers to data records for each program (including a field for category), not each channel. In other words, the claim requires ***channel table that includes a bit field signifying a plurality of television channel categories***. A program category is not a channel category. Hence, the program guide of Figure 4 does not meet the requirements of the claimed channel table. Also, it is clear that there certainly are no bit masks in the program guide of Figure 4, not would it be conceivable to place one there.

Referring to the channel hat of Figure 6B, as explained above, the channel hat is populated based on program records, where each program record has, among other fields, a category field (see, Figure 6A, item 617), as well as two fields 67 and 68 (Figure 6C) that provides the channel number for the program having a subsequent category and previous category, respectively, in either channel directions. Given the need to read the current clock (see, e.g., col. 6, lines 60-65 of *Lasky*), these fields will likely depend on the program offered on the particular channel for that particular time, and hence will depend on the program category from the program record, not a channel category,

which is absent from the disclosed program records of Figure 6A (*Lasky*). Further, the channel hat of Figure 6B of *Lasky* does not show **a listing of a plurality of channels**, but rather a single channel, populated from a single program record. Hence, the channel hat of Figure 6B is not the same as the claimed channel table, and for at least these reasons, Applicants respectfully submit that *Lasky* fails to disclose **channel table that includes a bit field signifying a plurality of television channel categories and a listing of a plurality of channels**, and hence respectfully request that the rejection be withdrawn.

It is noted that the non-final Office Action (page 22) also alleges that *Mankovitz* discloses a channel table, but this allegation is not supported by the cited section (Column 49, lines 41-47) of *Mankovitz*. From inspection of the aforementioned citation to *Mankovitz*, it is respectfully submitted that a database of records is described, not a channel table as claimed. Accordingly, *Mankovitz* fails to remedy the deficiencies of *Lasky* and hence the claim is allowable over *Lasky* in view of *Mankovitz*.

Further, the non-final Office Action (page 20) alleges that *Lasky* discloses the claimed, **a processor, coupled to the memory, said processor configured to simultaneously search at least a portion of the channel table and cause display of at least one television program**. Applicants respectfully disagree. The non-final Office Action (page 20) alleges the following (emphasis in original, reproduced in part):

...the processor displays a television program and at the same time, searches for other channels carrying programs in the same category – column 6, lines 31-49.

Referring to column 6, lines 31-49 of *Lasky* as follows:

As shown in FIG. 6B, the channel hat 62 (or other icon) comprises at least an indication of the channel number 132 just selected and of the existence of other channels carrying programs in the same category as the program on the selected channel. The presence of an arrow 621 pointing to the left indicates the existence of such programs at lower-numbered channels. The viewer can find a program that may be of

interest by surfing sideways to the left, which the viewer accomplishes by pressing the left-arrow key 355. An arrow 622 pointing to the right indicates that the viewer can surf to such a program at a higher-numbered channel by pressing the right-arrow key 356. If the viewer has reached the highest channel in that category, pressing the right-arrow key 356 preferably brings the user to the lowest channel currently running a program in the desired category. Similarly, if the viewer has reached the lowest channel in the category, pressing the left-arrow key 621 preferably brings the user to the highest channel currently running a program in the desired category.

Applicants respectfully submit that the processor is not being taught in this section as searching for anything in this section, but rather, appears to merely be populating the screen with program record information for a program selected under a particular category. Indeed, Figure 7 of *Lasky* appears to show that any search is done prior to causing a display of programming for the assigned category, and launched after the display of the current program. For instance, one having ordinary skill in the art would reasonably surmise that there will not be a display of video for the assigned category until the channel is sent to the tuner (712 of Figure 7), which is the last step in the process, and not described anywhere in *Lasky* as occurring simultaneously with any search. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Further, though acknowledging certain deficiencies of *Lasky* (page 21 of the non-final Office Action), the non-final Office Action incorrectly alleges (pages 21-22) that *Mankovitz* discloses ***the channel table includes a listing of a plurality of channels and a respective bit mask for each channel***. As set forth above, Applicants disagree that *Mankovitz* discloses the claimed ***channel table***. Further, it is noted from the cited section of *Mankovitz* that the Boolean fields, assuming *arguendo* equivalent to the claimed bit mask, appear to pertain to each program record, not each channel. For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

In addition, it is respectfully submitted that the features of a channel table with channel categories is not obvious in view of the teachings of *Lasky* and *Mankovitz*, both of which focus on individual program records and category assignments to programs, not channels. Indeed, to provide category assignments to channels, absent from both references, likely requires a change in the principle of operation for both *Lasky* and *Mankovitz* in view of the need for an additional association and hence data structure for that association. Such a principled change is at odds with a proper *prima facie* rejection under obviousness, as set forth according to well-established Federal case law (cited in MPEP 2143.01), which states as follows:

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

For at least this additional reason, Applicants respectfully request that the rejection be withdrawn.

Claims 106 and 107

Though not referenced in the grounds for rejection on page 3, the inclusion of those claims in page 22 and reference to rejections levied against claims 82, 96, and 100 (see page 22 of the non-final Office Action) is understood to be a part of Section 1 of the grounds for rejection. Applicants have canceled claims 106 and 107 without prejudice, waiver, or disclaimer, and hence believe the rejection to be rendered moot.

2. Claim 93 - 35 U.S.C. 103(a) - *Lasky, Mankovitz, Amano*

As set forth above in association with claim 82, Applicants respectfully submit that claim 82 is allowable over *Lasky* in view of *Mankovitz*. It is respectfully submitted that *Amano* does not remedy the above-described deficiencies of *Lasky* and *Mankovitz*. For at

least the reasons that claim 82 is allowable over *Lasky* in view of *Mankovitz* and further in view of *Amano*, dependent claim 93 is allowable as a matter of law and hence Applicants respectfully request that the rejection be withdrawn.

3. Claims 96, 99, 101-103, and 105 - 35 U.S.C. 103(a) - *Lasky, Mankovitz, Yuen*

Independent Claim 102

Claim 102 recites (with emphasis added):

102. In a television network, a terminal for providing television program information and television programs, said terminal comprising:
an interface for receiving data from the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs, said second data comprising a ***channel table that includes a bit mask signifying a plurality of channel categories, each channel category being associated with a corresponding plurality of television channels***, said plurality of channel categories including a first category; and
a processor configured to:
receive a first user input corresponding to the assignment of the first channel category to a first television channel,
responsive to the receiving the first user input, store the association of the first channel category and the first television channel in the memory,
receive a second user input corresponding to the first channel category,
responsive to the receiving the second user input,
simultaneously search at least a portion of the channel table and cause the display of at least one television program,
receive third user input corresponding to selection of a channel category, and
responsive to receiving the third user input, providing program information associated with at least one channel to which the selected channel category is assigned,
wherein the channel table includes a listing of a plurality of channels and a respective bit mask for each channel, each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, wherein each bit of the bit mask refers to one distinct category of a plurality of predetermined categories and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit is assigned to the respective channel.

For similar reasons set forth for claim 104 as described above to the extent features are similar, Applicants respectfully submit that claim 102 is allowable over *Lasky* in view of *Mankovitz*. It is respectfully submitted that *Yuen* does not remedy the above-described deficiencies of *Lasky* and *Mankovitz*. For at least the reasons that claim 102 is allowable over *Lasky* in view of *Mankovitz* and further in view of *Yuen*, dependent claim 103 is allowable as a matter of law and hence Applicants respectfully request that the rejection be withdrawn.

Dependent Claims 96, 99, 101, and 105

As set forth above in association with claims 95, 98, 100, and 104, Applicants respectfully submit that claims 95, 98, 100, and 104 are allowable over *Lasky* in view of *Mankovitz*. It is respectfully submitted that *Yuen* does not remedy the above-described deficiencies of *Lasky* and *Mankovitz*. For at least the reasons that claims 95, 98, 100, and 104 are allowable over *Lasky* in view of *Mankovitz* and further in view of *Yuen*, dependent claims 96, 99, 101, and 105 are allowable as a matter of law and hence Applicants respectfully request that the rejection be withdrawn.

II. Canceled Claims

As identified above, claims 106 and 107 have been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

III. New Claims

As identified above, claims 108 and 109 have been added into the application through this response. Applicants respectfully submit that these new claims describe

embodiments that are novel and unobvious in view of the cited art of record and, therefore, respectfully request that these claims be held to be allowable. For instance, claims 108 and 109 are allowable for at least the reason that the cited art of record fails to disclose, teach, or suggest at least “a plurality of groups of records, each group associated with one of the plurality of category tables, each record of the one of the plurality of category tables comprising program information for a television program; and a processor coupled to the memory, the processor configured to generate a program guide for display based on a search of and access from exclusively one of the groups of records associated with the associated category table from among the plurality of category tables,” as recited in claim 108, and “a first subset of the plural channel numbers and a second subset of the plural channel numbers, the first and second subsets derived from the channel table, the first subset corresponding to a first category and the second subset corresponding to a second category different than the first category, the first subset associated with first plural records each comprising program information for a respective program belonging to the first subset, the second subset associated with second plural records each comprising program information for a respective program belonging to the second subset; and a processor coupled to the memory, the processor configured to generate a program guide for display based on a search of and access from exclusively the first plural records based on a user request for display of programs corresponding to the first category,” as recited in claim 109. Accordingly, allowance of claims 108 and 109 is earnestly solicited.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

By: /DavidRodack/
David Rodack, Reg. No. 47,034

Merchant & Gould
P.O. Box 2903
Minneapolis, Minnesota 55402-9946
Telephone: 404.954.5066